

REMARKS

Applicants are amending their claims in light of the claim objection on page 2 of the Office Action dated July 31, 2007. Specifically, Applicants have amended each of claims 2 and 14 to define the angle θ . Note, for example, Figs. 17(a) and 18(a) on Sheets 12/14 and 13/14 of Applicants' original disclosure, particularly together with the description on pages 17-19 of Applicants' specification, especially the description on page 17, lines 24-31, and page 18, lines 7-12, thereof.

In view of these amendments to claims 2 and 14, it is respectfully submitted that the objection to claims 2, 3 and 14-30 as set forth on page 2 of the Office Action dated July 31, 2007, is moot. That is, it is respectfully submitted that it is clear as to the meaning of the angle θ , both from Applicants' original disclosure and especially from claims 2 and 14 as presently amended.

The rejection of claims on prior art grounds under 35 USC 102 and 103, set forth on pages 2-4 of the Office Action dated July 31, 2007, over the teachings of "Japanese reference (JP 2004/002741)", is respectfully traversed, in view of the following.

Thus, it is respectfully submitted that the reference applied by the Examiner in rejecting claims on prior art grounds, in the above-identified application, corresponding to United States Patent Application Publication No. US 2006/0171167, is not a Japanese patent document, but rather is International (PCT) Application No. PCT/JP2004/002741. Moreover, the "priority document" provided to Applicants as reference "N" with the Office Action dated July 31, 2007, is the priority document for No. PCT/JP2004/002741, that is, Japanese Patent Application No. 2003-061838, not No. PCT/JP2004/002741 itself. Furthermore, as will be shown in the following, it is respectfully submitted that the priority document (No. 2003-061838), and

No. PCT/JP2004/002741, do not constitute prior art in connection with the above-identified application.

Thus, No. 2003-061838, which was filed March 7, 2003, was selected as a basic application of International (PCT) Application No. PCT/JP2004/002741. This PCT application was entered into the National Stage in Japan as Japanese Patent Application No. 2005-503099, whereby the basic Japanese Patent Application No. 2003-061838 was deemed withdrawn without publication, in accordance with Section 42(1) of the Japanese Patent Laws. Clearly, No. 2003-061838 does not constitute prior art, in connection with the above-identified application.

Furthermore, reliance by the Examiner on United States Patent Application Publication No. 2006/0171167 as a translation of No. 2003-061838 (the “Japanese Reference” supplied by the Examiner to Applicants) is misplaced. As No. 2003-061838 is a priority document for International (PCT) Application No. PCT/JP2004/002741, it is respectfully submitted that there is no basis for the contention by the Examiner that No. 2006/0171167 is an English translation for No. 2003-061838.

Furthermore, attention is again directed to reliance by the Examiner on International (PCT) Application No. PCT/JP2004/02741. It is respectfully submitted that No. PCT/JP2004/02741 is the PCT application as filed, and it is respectfully submitted that the filing date of International (PCT) Application No. PCT/JP2004/002741 does not constitute a prior art date under 35 USC 102(e) with respect to the above-identified application. See the Flow chart for 35 USC 102(e) dates on page 700-41 of the Manual of Patent Examining Procedure.

In view of all of the foregoing, it is respectfully submitted that neither Japanese Patent Application No. 2003-061838 nor International (PCT) Application

No. PCT/JP2004/002741 constitute prior art in connection with the presently claimed subject matter; and, accordingly, reconsideration and withdrawal of the prior art rejections under 35 USC 102 and 35 USC 103 in the Office Action dated July 31, 2007, are respectfully requested.

However, the Examiner's attention is respectfully directed to International (PCT) Published Application No. WO 2004/079258, published September 16, 2004, which is the published application corresponding to International (PCT) Application No. PCT/JP2004/002741. But note that No. WO 2004/079258 was published after the filing date of the Japanese priority application for the above-identified application, that is, after the filing date of Japanese Priority Application No. 2003-422836, filed December 19, 2003.

Note that No. WO 2004/079258 raises new issues in connection with the presently claimed subject matter; and that if the Examiner applies No. WO 2004/079258 in a new rejection, such new rejection cannot be made a Final rejection.

Again emphasizing that No. PCT/JP2004/002741 does not constitute prior art in connection with the above-identified application, reconsideration and withdrawal of all rejections presently set forth in the Office Action dated July 31, 2007; and, noting the filing date of the Japanese priority application for the above-identified application, it is respectfully submitted that all claims presently pending in the above-identified application should be allowable.

The Examiner is thanked for the indication of allowable subject matter in claims 5, 10 and 12. As the prior art rejections are improper as shown in the foregoing, it is respectfully submitted that claims 5, 10 and 12 need not be set forth in independent form in order to be allowed over the applied prior art.

To the extent necessary, Applicants hereby petition for an extension of time under 37 CFR 1.136. Kindly charge any shortage of fees due in connection with the filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (case 1204.46252X00), and please credit any overpayments to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By /William I. Solomon/
William I. Solomon
Registration No. 28,565

WIS/ksh
1300 N. 17th Street, Suite 1800
Arlington, Virginia 22209
Tel: 703-312-6600
Fax: 703-312-6666